

Applicant : Murakami et al.  
Serial No. : 09/348,518

Attorney's Docket No.: 16821-003001 / 2000-087-1  
Page: 10 of 12

### REMARKS

Applicant thanks the examiner for the interview on August 30, 2004. Claims 26-31, 35-46, 48, and 49 are pending, with claims 26, 35, 37, 38, 41, and 43 being independent. Claims 37, 38, and 41 are allowed. Claims 26, 28-30, 35, and 43 have been amended and claims 50-55 have been added. No new matter has been added. Applicant asks that all claims be allowed in view of the amendment to the claims and remarks.

#### Summary of Record of Interview

Pursuant to 37 C.F.R. 1.2 and 37 C.F.R. 133(b), an interview summary is being submitted herewith.

#### 35 U.S.C. 102(e) Rejection

Claims 26, 35, 39, and 43 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Tagami et al. (US Patent No. 5,812,070; hereinafter "Tagami"). This rejection is traversed.

Each of the independent claims 26, 35, and 43, as amended, includes a feature of allocating vehicles to effectuate an efficient battery charging operation in the fleet. In that feature:

allocating vehicles to effectuate an efficient battery charging operation in the fleet comprises allocating a vehicle with a state of charge corresponding to a non-linear charging rate if such a vehicle is available, otherwise allocating a vehicle with a state of charge corresponding to a linear charging rate (see, e.g., claim 26).

Allocation of vehicles to effectuate an efficient battery charging operation, including allocating vehicles based on a state of charge corresponding to a linear or non-linear charging rate is not disclosed in Tagami. Thus, claims 26, 35, and 43 are allowable.

Claim 39 depends directly from independent claim 35. Accordingly, this claim is allowable for at least the reasons given above.

Applicant : Murakami et al.  
Serial No. : 09/348,518

Attorney's Docket No.: 16821-003001 / 2000-087-1  
Page: 11 of 12

### 35 U.S.C. 103(a) Rejections

Claims 27, 28, 29, 36, 44, 45, and 46 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tagami in view of Kondo et al (US Patent No. 6,181,991; hereinafter "Kondo"). Claim 40 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tagami in view of Henze et al (US Patent No. 5,803,215; hereinafter "Henze"). These rejections are traversed.

Tagami, Kondo, and Henze, either alone or in combination, do not teach the claimed subject matter. As discussed above, each of the independent claims 26, 35, and 43, as amended, includes the feature of allocating vehicles to effectuate an efficient battery charging operation, including allocating vehicles based on a state of charge corresponding to a linear or non-linear charging rate. This feature is neither taught nor suggested in Tagami, Kondo, or Henze. Thus, claims 27, 28, 29, 36, 40, 44, 45, and 46 which depend, directly or indirectly, from independent claims 26, 35, and 43 should be allowed, for at least the reasons discussed above.

### Claim Objections

Claims 30, 31, 42, 48, and 49 stand objected to as being dependent on a rejected base claim. As discussed above, each of the independent claims 26, 35, and 43 should now be allowable. Thus, claims 30, 31, 42, 48, and 49 which depend, directly or indirectly, from independent claims 26, 35, and 43 should be allowed.

### Conclusion

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this

Applicant : Murakami et al.  
Serial No. : 09/348,518

Attorney's Docket No.: 16821-003001 / 2000-087-1  
Page: 12 of 12

paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

9/2/2004



Joseph Juliano  
Reg. No. 54,780

PTO Customer No. 20985  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

10408188.doc